

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
- AMARILLO DIVISION -**

TEXAS BANKERS ASSOCIATION, et al.,

Plaintiffs,

v.

**OFFICE OF THE COMPTROLLER OF
THE CURRENCY, et al.,**

Defendants.

CIVIL NO. 2:24-cv-00025-Z

The Hon. Matthew J. Kacsmayk
United States District Judge

**DEFENDANTS' UNOPPOSED MOTION FOR WAIVER
OF LOCAL COUNSEL REQUIREMENT**

Defendants Office of the Comptroller of the Currency, Michael J. Hsu in his official capacity, the Board of Governors of the Federal Reserve System, Jerome Powell in his official capacity, the Federal Deposit Insurance Corporation, and Martin J. Gruenberg in his official capacity (collectively "Defendants"), by counsel, respectfully move the Court for a waiver of the local counsel requirement of Local Rule 83.10. Defendants are represented by the undersigned counsel, who are ready and able to proceed in this action without the assistance of local counsel. Each of the Defendants have independent litigating authority and may represent themselves in civil actions to which they are parties.¹

All of the undersigned defense counsel stand ready to fulfill all local counsel requirements and abide by all local rules of this Court, including the standard of litigation

¹ See 12 U.S.C. § 248(p) (the Board of Governors of the Federal Reserve System); 12 USC § 93(d) (the *second* subsection (d)) (Office of the Comptroller of the Currency); and 12 U.S.C. §1819(a) (Federal Deposit Insurance Corporation).

conduct set forth in *Dondi Properties Corporation v. Commerce Savings & Loan Association*, 121 F.R.D. 284 (N.D. Tex. 1988) (per curiam). Defendants' attorneys are prepared to attend any in-person hearings as may be directed by the Court.

For the foregoing reasons, Defendants respectfully request waiver of the local counsel requirement.

DATED: February 26, 2024

Respectfully submitted,

/s/ Andrew J. Dober

Andrew J. Dober (D.C. Bar No. 489638)

Senior Counsel

Herbert G. Smith II (D.C. Bar No. 450811)

Counsel

3501 Fairfax Drive, D-7028

Arlington, VA 22226-3500

Tel: (703) 562-2545

Email: adober@fdic.gov

Counsel for Defendants Federal Deposit Insurance Corporation and Martin J. Gruenberg, in his Official Capacity

/s/ Joshua P. Chadwick

Joshua P. Chadwick

Nicholas Jabbour

Board of Governors of the Federal Reserve System

20th Street and Constitution Avenue, N.W.

Washington, D.C. 20551

joshua.p.chadwick@frb.gov

(202) 263-4835

Counsel for Defendants Board of Governors of the Federal Reserve System and Jerome Powell, in his Official Capacity

/s/ Peter C. Koch

Peter C. Koch

Director for Litigation

Ashley W. Walker

Special Counsel, Litigation

Office of the Comptroller of the Currency

400 7th Street SW, Mailstop 9E-1

Washington, DC 20219

Tel: (202) 649-6313

Email: peter.koch@occ.treas.gov

*Counsel for Defendants Office of the
Comptroller of the Currency and Michael J.
Hsu, in his official capacity*

CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that on February 22, 2024, I communicated with counsel for Plaintiffs regarding this Motion, and on February 23, counsel for Plaintiffs responded that they would not oppose Defendants' Motion for Waiver of Local Counsel Requirement.

/s/ Andrew J. Dober

Andrew J. Dober (D.C. Bar No. 489638)

Senior Counsel

Counsel

3501 Fairfax Drive, D-7028

Arlington, VA 22226-3500

Tel: (703) 562-2545

Email: adober@fdic.gov

*Counsel for Defendant Federal Deposit
Insurance Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and parties of record registered to receive such notices.

/s/ Andrew J. Dober

Andrew J. Dober